

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cr-88-MOC**

UNITED STATES OF AMERICA,

vs.

CHARLES WRIGHT,

Defendant.

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ORDER

THIS MATTER is before the Court on Defendant’s pro se Motion for Compassionate Release/Reduction of Sentence. (Doc. No. 41).

Defendant Charles Raynard Wright is currently serving a 180-month sentence after being convicted in this Court of possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g). Defendant seeks early release from prison under 18 U.S.C. § 3582(c)(1)(A) based on the COVID-19 pandemic. The Government has responded in opposition to the motion.

Defendant’s appeal of his conviction is currently pending before the Fourth Circuit Court of Appeals. It is generally understood that a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. “The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982), superseded on other grounds by statute. “Generally, a timely filed notice of appeal transfers jurisdiction of a case to the court of appeals and strips a district court of jurisdiction to rule on any matters involved in the appeal.” Doe v. Public Citizen, 749 F.3d 246, 258 (4th Cir. 2014). “This general rule is

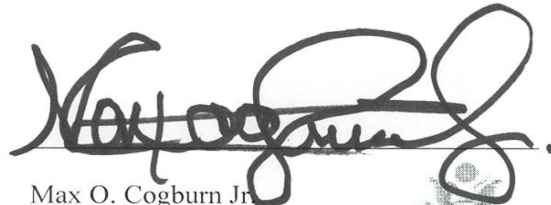
subject to limited exceptions, permitting the district court ‘to take subsequent action on matters that are collateral to the appeal, or to take action that aids the appellate process.’” United States v. Strom, 611 F. App’x 148, 149 (4th Cir. 2015) (quoting Public Citizen, 749 F.3d at 258).

The Government contends, and this Court agrees, that the Court does not currently have jurisdiction to hear the motion because Defendant’s appeal of his conviction is currently pending before the Fourth Circuit Court of Appeals. The motion is therefore denied without prejudice.

ORDER

IT IS, THEREFORE, ORDERED that Defendant’s pro se Motion for Compassionate Release/Reduction of Sentence, (Doc. No. 41), is **DENIED** without prejudice.

Signed: July 22, 2021


Max O. Cogburn Jr.
United States District Judge